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Socio-legal factors that influence the perpetuation of rape in Nigeria

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Abstract

The study looked into factors involved in the spread of rape in Nigeria, also requested for suggestions on how to curtail it. It used a 25-item questionnaire. It was used to gather information from 207 respondents who attended a national conference of guidance counsellors. Findings revealed that the police, judiciary, excessive drinking, frustration, indecent dressing, are factors that heavily contribute to the spread of rape. People of low socio-economic status and legislators contribute to the spread of rape. Holistic approach should involve diverse segments of the society (the governments, non-governmental organisations, educational institutions) the victims and their survivors. Members of the society should engage in both preventive and combative efforts.

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1. Introduction

The word rape appears in dictionaries of several languages. This attests to its existence worldwide. Paradoxically, it is underreported and under prosecuted. It refers to having violent carnal experience by someone without the other person's consent. The culprit is usually a female, occasionally males may be victims (Akinade, 2001). It may be in any form of sexual connection by objects such as penis, finger, sticks or vibrators. Perpetrators cut across cultures, class, creed, country or affiliation. Such individuals include teenage boys who may commit *date or acquaintance rape*. *Group rape* may be perpetuated by 'gangs' or 'cliques' - these may include ruffians and armed robbery gangs. There could be public gang rape as in Papua New Guinea that is sanctioned by community leaders. This could be to punish some women who dress or behave immorally (Jerkins, 1998). Rape could be by fathers on their step -or biological daughters; older stepbrothers on young stepsisters; *Marital rape* may be committed by incompatible couples or cohabiting partners (Esere & Idowu, 2005). *Statutory rape* (as in some states in United States of America–USA) is sexual intercourse with minors and physically and mentally incapacitated persons. In it, force and lack of consent are not necessary for conviction (Ullman, 1997). In Nigeria, there is a feeling that some men have sexual intercourse with mad women for the purpose of making them rich and that masters rape their maids in the absence of their wives or in cases in which their wives cannot bear children for them. In some cases, victims may include female strangers to some big cities. They may be those who cannot find the addresses of people they are out

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to visit but housed by some male individuals under pretence of assisting them to pass the night in their residence (Omorodion & Olusanya, 2008). In some instances, lesbian women may insert with sexual intent an index finger into the genitals of unwilling heterosexual females. Also, some devilish maids may do so to the orifice of children under their charge.

Some countries have documented prevalence of rape. For instance, Elombah (2009) reported that South African Medical Research Council (MRC) stated in June 2009, that one in four men in South Africa may have raped someone with most of them attacking more than one victim. It also found that three out of four who committed rape, attacked their victims for the first time in their teens. It asserted that South Africans know that their level of rape is higher than there is in other countries. (Elombah, 2009). Another research involving the London Metropolitan Police (2009) added that 92 of young people convicted of involvement to gang rape in London, 66 were black or mixed race. However, several reports indicate that rape is not a crime exclusive to black communities. In Nigeria, rape is yet to be exhaustively researched (Olusanya O., Ogbemi S., Unuigbo J., & Oransaye (1986). Some efforts have been recorded. However, limited data exist to make very categorical statements about prevalence of rape in Nigeria. There are uncoordinated but frequent reports of incidence of rape from different parts of the country. The familiar sources are social welfare offices, courts, police stations, victims and their survivors, and community leaders. All these sources put together do not give comprehensive enormity of the prevalence of rape in this country. It is known however that rape does not occur in social or cultural vacuum, but in wider cultural settings that condole sexual aggression especially women (Onyejekwe, 2008, Adekoya, 2007).

Amnesty International (2006) found that rape of women and girls by Police and other security forces within their homes and community exists in Nigeria. Exact rates and prevalence of rape is currently impossible to ascertain. However, reports by media and various non-governmental organisations (NGOs) believe the widespread of sexual violent abuse of women. This includes at the hands of police, prison and military officials (Lenning and Brightman, 2009). This is rampant during civil disturbances or wartime, inter communal and religious conflicts and worse still in police or prison custody. There have been reported cases of women prisoners, who were not pregnant before their conviction, while serving long terms, giving birth to babies.

Researchers across the world have identified diverse factors that increase vulnerability to risk of rape, rapists and being raped. These factors could be economic, physical, social and legal. There seems to be criminal silence in the issue of rape in Nigeria. This survey was designed to add to the growing literature on rape in Nigeria. This study was also interested in finding the factors that influence the occurrence of rape in Nigeria and to also proffer solutions to reduce its spread. To achieve these objectives, the following questions were posed.

- What social and legal factors are responsible for the perpetuation of rape?
- What should be done to curtail the spread of rape among Nigerians?

Participants were drawn from delegates at a big national conference of an Association in Abuja (Capital of Nigeria, north central Nigeria) in 2009. The sample was randomly selected from a listed population of highly educated participants comprising of 102 men and 105 women drawn from many of the 36 states in Nigeria. All of them have a minimum of first degree, 37% have higher degrees. Their age range was 35 – 57 years, mean was 49 years. All of them were married and some of them were community leaders. They were all able to read and understand the concept being studied. The research used a self-constructed 25 item questionnaire to tap information from participants. The tool was previously validated on 12 men and 13 women with similar characteristics in Lagos (Southwest Nigeria). The tool has 0.83 test-retest validity after exposure at two weeks interval. Ten assistants and the researcher administered the tool to the participants as they were waiting for the commencement of one of the purposively delayed plenary sessions. It took them an average of 15 minutes to complete. Scoring of their responses was done manually by the same assistants. Scores were analysed using frequency counts and percentage. The last item (Suggestions) was analysed thematically.

Results: Results are presented below in Tables 1 and 2. Suggestions on how to curb the spread of rape are presented in form of statements.

Table 1. Responses on Legal Factors That Influence Spread of Rape in Nigeria. N= 207

| s/n | | Male | Female | Percentage Frequency | Rank |
|-----|---|------|--------|----------------------|------|
| 1 | Poor penal provision to deter violators | 71 | 84 | 77.5 | 8 |
| 2 | Ineffective investigation | 74 | 67 | 70.5 | 10 |
| 3 | Inefficient training of law enforcement agencies on handling rape | 78 | 89 | 83.5 | 2 |
| 4 | Lenient prosecution by police | 63 | 87 | 75.0 | 9 |
| 5 | Failure of police to properly record allegation on perpetrators | 69 | 91 | 80.0 | 6 |
| 6 | Prosecution often discontinued mid way | 71 | 85 | 78.0 | 7 |
| 7 | Investigation of rape is usually protracted | 67 | 94 | 80.5 | 5 |
| 8 | Existing rape laws not serving as adequate deterrent | 70 | 92 | 81.0 | 4 |
| 9 | Laws on rape are obsolete | 73 | 90 | 81.5 | 3 |
| 10 | Legislators do not show sufficient interest in promulgating law on rape cases | 75 | 93 | 84.0 | 1 |

Results reveal that people tend to shy away from legal and necessary administrative actions about rape. Table 1 shows that the police fail to record allegation properly. They do not show enough concern or commitment to reports on rape. This could be as a result of little or no training in that regard. They often investigate rape cases leisurely, or in a protracted way, often discontinuing them midway. Thus the crime continues unabated and police end up prosecuting very few cases. The court's demands too do not encourage litigants to prosecute their cases. They may be asked to produce credible witnesses or evidence! Rape acts are usually done in secret and where they are not. Observers may not be bold enough to serve as witnesses because of fear of being injured. Weak political will of legislators to bring perpetrators to justice tends to influence spread of rape in Nigeria. Up till now, only a handful of offenders have been sent to jail.

Table 2: Responses of both Genders on Social Factors That Influence the Spread of Rape in Nigeria. No=207

| s/n | Societal Factors | Male | Female | Percentage % Frequency | Rank |
|-----|--|------|--------|------------------------|------|
| 1 | Rapists move about freely in the community | 70 | 93 | 81.5 | 9 |
| 2 | Victims fail to report | 67 | 81 | 74.0 | 11 |
| 3 | Victims are bribed to remain silent | 77 | 89 | 84.0 | 5 |
| 4 | Victims and their families are forced to keep the crime secret / They are threatened by perpetrators | 76 | 94 | 85.0 | 4 |
| 5 | Most incidents occur in secret places | 69 | 87 | 78.0 | 9 |
| 6 | People to corroborate are usually afraid to do so | 72 | 92 | 81.0 | 7 |
| 7 | Credible witnesses are scarce | 74 | 97 | 85.5 | 3 |
| 8 | Girls hawking commodities at odd places (such as corners, streets or motor parks or at night- because of poverty). | 74 | 91 | 82.5 | 6 |
| 9 | Watching pornographic materials (film, pictures and magazines) | 89 | 85 | 87.0 | 2 |
| 10 | Abduction/Kidnapping of girls | 90 | 92 | 91.0 | 1 |
| 11 | Excessive drug consumption | 75 | 79 | 77.0 | 10 |
| 12 | Illicit alcohol consumption | 57 | 68 | 62.5 | 13 |
| 13 | Lack of emotional bonding with parents | 60 | 72 | 66.0 | 12 |
| 14 | Lack of synergy in civil society initiatives | 57 | 63 | 60.0 | 14 |

Discussion on the above results=

As Tables 1 and 2 shows many social and legal factors are implicated in the spread of rape in Nigeria. They show that both male and female gave very high scores to all the items. Notably, the female participants gave higher scores than their male counterparts on all items listed. This may be because in Nigeria, female children tend to be closer to their mothers or mother figures than the male children. The victims probably communicate their experiences more to women than men. It may also be because women tend to be more sensitive to sexual experiences or information than men.

Table 1 depicts that those charged with upholding the rule of law are not living up to societal expectation. Hence we find participants scoring all the items dangerously high. Police do not seem to be so well trained to receive and respond adequately to report about rape cases 83.5%. They do not react proactively hence their seeming lukewarm attitude to those who summon courage to report 75.0%. They fail to record such cases adequately 80.0%, protract

their investigation 80.5% and often do not conclude them 78.5%. The reports also implicate lawmakers. Laws relating to rape are weak and obsolete 81.5%. Such laws do not serve as sufficient deterrent to rapists. Also, they do not show sufficient interest in promulgating laws that can curtail rape cases 84.0%. This gloomy finding could be because men or their sons are the perpetrators or that their own relatives or offspring are not victims.

Societal factors: The members of the society who include the victims, their survivors, law enforcement agents and law makers contribute in separate ways to perpetuate the spread of rape in Nigeria. Table 2 shows activities of lawless individuals in the society. The four topmost rank ordered indicators include – forceful or deceitful abduction of girls, their fear of stigmatisation, watching of pornographic materials, victims and their family members (who are usually poor people) and unavailability of bold witnesses.

Participants endorsed all the items in the questionnaire responsible for the spread of rape in Nigeria. The female are more assertive in their responses. This is probably because of the saying “it is the wearer of the shoe that knows where it pinches”. The female (victims and their survivors) are the actual direct sufferers and are therefore more able to express their feelings.

Anything that can adversely affect human behaviour such as drinking of alcohol (especially the binge-type) may stimulate some males to plan and carry out rape. It is possible that those who engage in rape may be acting under the influence of drugs, or alcohol. Poverty and economic down turn in several families may make parents to allow their (female) children to hawk things for sale even at unholy hours and places to augment family income. Because people are threatened with serious bodily harm or even death by rapists, the victims are made to keep the crime and criminals secret. In some cases where the perpetrators are from wealthy families, the victims may be paid to keep quiet or the victims (who may be house maids or step daughters in the family) may be sent away and warned not to speak up even if it the rape leads to pregnancy.

The interviewed participants suggested the following to curb the spread of rape. Government should show more political will and promulgate laws on the violent sexual offences, especially rape that can lead to serious penalty that are strong enough to serve as deterrent. Individuals (girls and women) should be adequately empowered to speak up, report their attackers and be bold enough to prosecute the cases to their logical conclusion. The police should be trained to appreciate the concept of rape. They should be encouraged to be good listeners, who can meticulously keep careful records of complaints, prosecute the cases swiftly and do so in very emphatic ways.

To curb the spread of rape, participants’ respondents suggested that treatment should be holistic. This should involve the rapists, their victims, the survivors, religious bodies, law makers, law enforcement agencies, the various levels of government and non-governmental organisations and civil societies. They should evolve innovative, legal and situational referrals towards prevention and expression of solidarity and rehabilitation of victims. Nigeria should domesticate and implement the protocol to African Charter in Human and People’s Rights or the Rights of Women in Africa (Onyeijekwe, 2008).

The society should exhibit zero-tolerance to rape by engaging in rape intolerant attitudes and increase level of empathy. Encourage effective, forceful resistance strategies for avoiding rape. More NGOs such as Women Action Collective (WAOL) and Federation International De Abogadas (FIDA) should be more proactive and supportive. They should advocate that victims of rape should be given ample time to prosecute their matter in law courts and fight for better legal reforms such as upgrading of obsolete laws. They should be helped to initiate strategic litigation processes. There should be public awareness against rape and rapists. This could be in form of development of media messages to dispel myths about rape, introduction of sexuality education in school curricula; changing the negative way men view women, extolling the virtues of gender equality and instituting positive attitude change on sexual assault prevention programmes.

Conclusion: This study reveals that a set of social and legal factors influence the spread of rape in Nigeria. There is need to empower the women to stand up for their sexual rights. More encompassing research needs to be done to reduce the prevalence of rape and rapists.

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